

REMARKS**I. INTRODUCTION**

Receipt of a final Office Action dated April 30, 2010, is acknowledged.

Applicants thank the Examiner for her efforts in examining this application and respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

II. STATUS OF THE CLAIMS AND SPECIFICATION

In this amendment, claims 1, 2 and 9 have been amended to replace the term "ethylene/polar monomer copolymer" with "ethylene/methacrylic acid copolymer in independent form, as suggested by the Office. No new matter has been added by the above amendments as they are well-supported by the specification as filed, particularly at page 14, lines 17-21, and the working examples.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4 and 6-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either WO 02/14423 to Kuraray Co. or JP 001-26663 to Sanwa Kako KK, in combination with EP 1229076 to Mitsui Chemicals, Inc. Applicants respectfully traverse these grounds for rejection.

Kuraray (U.S. Pub. No. 2004/0092666 A1) discloses a polymer composition obtainable by subjecting a crosslinkable polymer composition to dynamic crosslinking, the crosslinkable polymer composition comprising: (a) a block copolymer comprising two or more polymer blocks A of a vinyl aromatic compound and one or more polymer blocks B of a conjugated diene, the polymer block B being either hydrogenated or unhydrogenated; (b) an olefin copolymer having a density of 0.88 to 0.92 g/cm³ and obtained through copolymerization of ethylene and an α -olefin having 4 to 12 carbon atoms; (c) a softening agent; and (d) an organic peroxide in specific amounts (claim 1).

Sanwa discloses a damping resin foam consists of base comprising a mixture of (i) copolymer of ethylene and α -olefin having 3 to 18 carbon atoms, and (ii) tri-block copolymer of polystyrene and vinyl-polyisoprene (claim 1).

Mitsui discloses an elastomeric composition for preparing an olefinic elastomer crosslinked foam, comprising a specific ethylene/ α -olefin copolymer (A); an organic peroxide (D); a crosslinking assistant (E); a foaming agent (F); and a specific organic metal compound (G) (claim 1).

Moreover, Mitsui only discloses that an ethylene/vinyl acetate copolymer (C) is optionally used in the composition to provide a crosslinked foam having excellent tear strength (Mitsui, paragraphs 47-50).

However, neither of the cited references disclose a resin composition for a foamed product or a foamed product comprising an ethylene/ α -olefin copolymer (A1), a styrene/butadiene/styrene or a styrene/ethylene/butene/styrene block copolymer (B), and an ethylene/methacrylic acid copolymer (A2) in specific amounts as defined in amended claims 1, 2 and 9.

Applicants' data also shows unexpected benefits of the claimed compositions. The data of Table 2 shows that compositions containing an ethylene/polar monomer copolymer such as ethylene/vinyl acetate copolymer or ethylene/methacrylic acid copolymer demonstrate excellent adhesion to polyurethane synthetic leather. This adhesion is improved compared to compositions that do not contain such a copolymer. (See Table 2, comparing adhesive strength of Ex. 5 and Ex. 6 to that of Ex. 3.) Kuraray, Sanwa, and Mitsui are all silent regarding adhesive strength, so one of ordinary skill would not anticipate the improvement seen in the claimed compositions.

Incorporation of an ethylene/methacrylic acid copolymer in the composition, as in the amended claims, exhibits another unanticipated benefit of improved tear strength of the resulting compositions. This tear strength is far superior compared to compositions that do not contain such a copolymer or contain EVA. (See Table 2, comparing adhesive strength of Ex. 6 to that of Ex. 1-4 and Ex. 5.) This improvement is despite the fact that the

ethylene/polar monomer copolymer content in the composition of Ex. 6 is much smaller than the other examples. None of the cited art teach the addition of ethylene/methacrylic acid copolymer to the composition or that such addition improves tear strength of the composition.

Because the constituent elements between the amended claims of the present invention and all of the cited references are quite different from each other, a person skilled in the art would not be motivated to combine the teachings of either one of Kuraray or Sanwa with those of Mitsui to arrive at the present invention. Further, the claimed compositions demonstrate unanticipated benefits over the teachings and suggestions of the cited references.

For these reasons, the cited art does not render Applicants' claimed compositions obvious. Applicants, therefore, respectfully request withdrawal of the rejections of claims 1-4 and 6-13.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 30, 2010

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

By Michael D. Kaminski

Michael D. Kaminski
Attorney for Applicant
Registration No. 32,904